

**RECEIVED FOR SCANNING
VENTURA SUPERIOR COURT**

PLD-PI-001

OCT 16 2020

<p><small>ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):</small> Howard S. Blumenthal, Esq. SBN: 185777 The Barnes Firm 633 W. 5th Street, Suite 1750 Los Angeles, CA 90071 <small>TELEPHONE NO:</small> 800-800-0000 <small>FAX NO. (Optional):</small> 888-800-7050 <small>E-MAIL ADDRESS (Optional):</small> howard.blumenthal@thebarnesfirm.com <small>ATTORNEY FOR (Name):</small> Plaintiffs Jean Krag, et al.</p>	<p align="center"><small>FOR COURT USE ONLY</small></p>
<p>SUPERIOR COURT OF CALIFORNIA, COUNTY OF VENTURA <small>STREET ADDRESS:</small> 800 South Victoria Avenue <small>MAILING ADDRESS:</small> Same as above <small>CITY AND ZIP CODE:</small> Ventura, CA 93009 <small>BRANCH NAME:</small> Hall of Justice</p>	
<p><small>PLAINTIFF:</small> Jean Krag, Sandra Ritvo, Matt Ritvo</p> <p><small>DEFENDANT:</small> Edward Simburger, Hudson Palmer, Jenifer Palmer, Medequip LLC and</p> <p><input checked="" type="checkbox"/> <small>DOES 1 TO</small> 50, <small>Inclusive</small></p>	
<p>COMPLAINT—Personal Injury, Property Damage, Wrongful Death</p> <p><input type="checkbox"/> AMENDED (Number):</p> <p><small>Type (check all that apply):</small></p> <p><input checked="" type="checkbox"/> MOTOR VEHICLE <input type="checkbox"/> OTHER (specify):</p> <p><input checked="" type="checkbox"/> Property Damage <input type="checkbox"/> Wrongful Death</p> <p><input checked="" type="checkbox"/> Personal Injury <input type="checkbox"/> Other Damages (specify):</p>	
<p><small>Jurisdiction (check all that apply):</small></p> <p><input type="checkbox"/> ACTION IS A LIMITED CIVIL CASE <small>Amount demanded</small> <input type="checkbox"/> <small>does not exceed \$10,000</small> <input type="checkbox"/> <small>exceeds \$10,000, but does not exceed \$25,000</small></p> <p><input checked="" type="checkbox"/> ACTION IS AN UNLIMITED CIVIL CASE (exceeds \$25,000)</p> <p><input type="checkbox"/> ACTION IS RECLASSIFIED by this amended complaint <input type="checkbox"/> <small>from limited to unlimited</small> <input type="checkbox"/> <small>from unlimited to limited</small></p>	<p><small>CASE NUMBER:</small></p>

1. **Plaintiff (name or names):** Jean Krag, Sandra Ritvo, Matt Ritvo
alleges causes of action against **defendant (name or names):**
Edward Simburger, Hudson Palmer, Jenifer Palmer, Medequip LLC and Does 1 TO 50, Inclusive
2. This pleading, including attachments and exhibits, consists of the following number of pages: **8**
3. Each plaintiff named above is a competent adult
 - a. ☐ **except plaintiff (name):**
 - (1) ☐ a corporation qualified to do business in California
 - (2) ☐ an unincorporated entity (describe):
 - (3) ☐ a public entity (describe):
 - (4) ☐ a minor ☐ an adult
 - (a) ☐ for whom a guardian or conservator of the estate or a guardian ad litem has been appointed
 - (b) ☐ other (specify):
 - (5) ☐ other (specify):
 - b. ☐ **except plaintiff (name):**
 - (1) ☐ a corporation qualified to do business in California
 - (2) ☐ an unincorporated entity (describe):
 - (3) ☐ a public entity (describe):
 - (4) ☐ a minor ☐ an adult
 - (a) ☐ for whom a guardian or conservator of the estate or a guardian ad litem has been appointed
 - (b) ☐ other (specify):
 - (5) ☐ other (specify):

☐ Information about additional plaintiffs who are not competent adults is shown in Attachment 3.

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4. ☐ Plaintiff (name):
is doing business under the fictitious name (specify):

and has complied with the fictitious business name laws.
5. Each defendant named above is a natural person
- a. ☒ except defendant (name): Medequip LLC
 (1) ☐ a business organization, form unknown
 (2) ☒ a corporation
 (3) ☐ an unincorporated entity (describe):
 (4) ☐ a public entity (describe):
 (5) ☐ other (specify):
- c. ☐ except defendant (name):
 (1) ☐ a business organization, form unknown
 (2) ☐ a corporation
 (3) ☐ an unincorporated entity (describe):
 (4) ☐ a public entity (describe):
 (5) ☐ other (specify):
- b. ☐ except defendant (name):
 (1) ☐ a business organization, form unknown
 (2) ☐ a corporation
 (3) ☐ an unincorporated entity (describe):
 (4) ☐ a public entity (describe):
 (5) ☐ other (specify):
- d. ☐ except defendant (name):
 (1) ☐ a business organization, form unknown
 (2) ☐ a corporation
 (3) ☐ an unincorporated entity (describe):
 (4) ☐ a public entity (describe):
 (5) ☐ other (specify):
- ☐ Information about additional defendants who are not natural persons is contained in Attachment 5.
6. The true names of defendants sued as Does are unknown to plaintiff.
- a. ☒ Doe defendants (specify Doe numbers): 1 to 50 were the agents or employees of other named defendants and acted within the scope of that agency or employment.
- b. ☒ Doe defendants (specify Doe numbers): 1 to 50 are persons whose capacities are unknown to plaintiff.
7. ☐ Defendants who are joined under Code of Civil Procedure section 382 are (names):
8. This court is the proper court because
- a. ☐ at least one defendant now resides in its jurisdictional area.
- b. ☐ the principal place of business of a defendant corporation or unincorporated association is in its jurisdictional area.
- c. ☒ injury to person or damage to personal property occurred in its jurisdictional area.
- d. ☐ other (specify):
9. ☐ Plaintiff is required to comply with a claims statute, and
- a. ☐ has complied with applicable claims statutes, or
- b. ☐ is excused from complying because (specify):

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10. The following causes of action are attached and the statements above apply to each (*each complaint must have one or more causes of action attached*):

- a. ☒ Motor Vehicle
- b. ☒ General Negligence
- c. ☐ Intentional Tort
- d. ☐ Products Liability
- e. ☐ Premises Liability
- f. ☐ Other (*specify*):

11. Plaintiff has suffered

- a. ☒ wage loss
- b. ☒ loss of use of property
- c. ☒ hospital and medical expenses
- d. ☒ general damage
- e. ☒ property damage
- f. ☒ loss of earning capacity
- g. ☒ other damage (*specify*):

According to proof

12. ☐ The damages claimed for wrongful death and the relationships of plaintiff to the deceased are

- a. ☐ listed in Attachment 12.
- b. ☐ as follows:

13. The relief sought in this complaint is within the jurisdiction of this court.

14. Plaintiff prays for judgment for costs of suit, for such relief as is fair, just, and equitable, and for

- a. (1) ☒ compensatory damages
- (2) ☐ punitive damages

The amount of damages is (*in cases for personal injury or wrongful death, you must check (1)*):

- (1) ☒ according to proof
- (2) ☐ in the amount of: \$

15. ☐ The paragraphs of this complaint alleged on information and belief are as follows (*specify paragraph numbers*):

Date: September 17, 2020

Howard S. Blumenthal

(TYPE OR PRINT NAME)



Howard S. Blumenthal

(SIGNATURE OF PLAINTIFF OR ATTORNEY)

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First _____
(number)

CAUSE OF ACTION—Motor Vehicle

ATTACHMENT TO ☒ Complaint ☐ Cross - Complaint

(Use a separate cause of action form for each cause of action.)

Plaintiff (name): Jean Krag, Sandra Ritvo, Matt Ritvo

MV- 1. Plaintiff alleges the acts of defendants were negligent; the acts were the legal (proximate) cause of injuries and damages to plaintiff; the acts occurred

on (date) February 14, 2019

at (place):

the intersection of Kanan Rd. and Tamarind St. in Ventura, CA. The Defendants, and each of them, so negligently owned, operated, entrusted and maintained their vehicle in such a negligent manner so as to cause a collision with another vehicle and then with plaintiff's vehicle, thereby proximately causing injuries and damages to the person of Plaintiffs, all to plaintiffs such loss.

MV- 2. DEFENDANTS

a. ☒ The defendants who operated a motor vehicle are (names):
Edward Simburger and

☒ Does 1 _____ to 10 _____

b. ☒ The defendants who employed the persons who operated a motor vehicle in the course of their employment are (names):
Edward Simburger and

☒ Does 11 _____ to 20 _____

c. ☒ The defendants who owned the motor vehicle which was operated with their permission are (names):
Edward Simburger and

☒ Does 21 _____ to 30 _____

d. ☒ The defendants who entrusted the motor vehicle are (names):
Edward Simburger and

☒ Does 31 _____ to 40 _____

e. ☒ The defendants who were the agents and employees of the other defendants and acted within the scope of the agency were (names):
Edward Simburger and

☒ Does 41 _____ to 50 _____

f. ☐ The defendants who are liable to plaintiffs for other reasons and the reasons for the liability are
☐ listed in Attachment MV-2f ☐ as follows:

☐ Does _____ to _____

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Second

(number)

CAUSE OF ACTION—General Negligence

Page _____

ATTACHMENT TO ☒ Complaint ☐ Cross - Complaint

(Use a separate cause of action form for each cause of action.)

GN-1. Plaintiff (name): Jean Krag, Sandra Ritvo, Matt Ritvo

alleges that defendant (name): Edward Simburger and

☒ Does 1 to 50

was the legal (proximate) cause of damages to plaintiff. By the following acts or omissions to act, defendant negligently caused the damage to plaintiff

on (date): February 14, 2019

at (place): the intersection of Kanan Rd. and Tamarind St. in Ventura, CA.

(description of reasons for liability):

The Defendants, and each of them, so negligently owned, operated, entrusted and maintained their vehicle in such a negligent manner so as to cause a collision with another vehicle and then with plaintiff's vehicle, thereby proximately causing injuries and damages to the person of Plaintiffs, all to plaintiffs such loss.

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Third

(number)

CAUSE OF ACTION—Motor VehicleATTACHMENT TO ☒ Complaint ☐ Cross - Complaint

(Use a separate cause of action form for each cause of action.)

Plaintiff (name): Jean Krag, Sandra Ritvo, Matt Ritvo

MV- 1. Plaintiff alleges the acts of defendants were negligent; the acts were the legal (proximate) cause of injuries and damages to plaintiff; the acts occurred

on (date): February 14, 2019

at (place):

the intersection of Kanan Rd. and Tamarind St. in Ventura, CA. The Defendants, and each of them, so negligently owned, operated, entrusted and maintained their vehicle in such a negligent manner so as to cause a collision with another vehicle and then with plaintiff's vehicle, thereby proximately causing injuries and damages to the person of Plaintiffs, all to plaintiffs such loss.

MV- 2. DEFENDANTS

a. ☒ The defendants who operated a motor vehicle are (names):
Hudson Palmer and

☒ Does 1 to 10

b. ☒ The defendants who employed the persons who operated a motor vehicle in the course of their employment are (names):
Hudson Palmer, Jenifer Palmer, Medequip LLC and

☒ Does 11 to 20

c. ☒ The defendants who owned the motor vehicle which was operated with their permission are (names):
Hudson Palmer, Jenifer Palmer, Medequip LLC and

☒ Does 21 to 30

d. ☒ The defendants who entrusted the motor vehicle are (names):
Hudson Palmer, Jenifer Palmer, Medequip LLC and

☒ Does 31 to 40

e. ☒ The defendants who were the agents and employees of the other defendants and acted within the scope of the agency were (names):
Hudson Palmer, Jenifer Palmer, Medequip LLC and

☒ Does 41 to 50

f. ☐ The defendants who are liable to plaintiffs for other reasons and the reasons for the liability are
☐ listed in Attachment MV-2f ☐ as follows

☐ Does to

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Four CAUSE OF ACTION—General Negligence Page _____
(number)

ATTACHMENT TO ☒ Complaint ☐ Cross - Complaint

(Use a separate cause of action form for each cause of action.)

GN-1. Plaintiff (name): Jean Krag, Sandra Ritvo, Matt Ritvo

alleges that defendant (name): Hudson Palmer, Jenifer Palmer, Medequip LLC and

☒ Does 1 to 50

was the legal (proximate) cause of damages to plaintiff. By the following acts or omissions to act, defendant negligently caused the damage to plaintiff

on (date): February 14, 2019

at (place): the intersection of Kanan Rd. and Tamarind St. in Ventura, CA.

(description of reasons for liability):

The Defendants, and each of them, so negligently owned, operated, entrusted and maintained their vehicle in such a negligent manner so as to cause a collision with another vehicle and then with plaintiff's vehicle, thereby proximately causing injuries and damages to the person of Plaintiffs, all to plaintiffs such loss.

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ATTACHMENT (Number): 5

(This Attachment may be used with any Judicial Council form.)

FIFTH CAUSE OF ACTION

(Loss of Consortium Against Defendants, EDWARD SIMBURGER,
HUDSON PALMER, JENIFER PALMER, MEDEQUP LLC AND DOES 1 THROUGH 50, inclusive.)

Plaintiff, MATT RITVO, incorporates herein by reference paragraphs 1 through 28, inclusive, as though fully set forth herein at length.

On February 3, 2018, and at all times mentioned in this complaint, plaintiffs were husband and wife.

As a direct and proximate result of defendant's negligent conduct, plaintiff Debra Gerrard suffered an injury which caused her to become incapacitated and unable to care for himself.

Before suffering these injuries, plaintiff Debra Gerrard was able to and did perform all the duties of a wife and did perform all these duties, including assisting in maintaining the home, and providing love, companionship, affection, society, sexual relations, moral support, and solace to plaintiff Don Gerrard. As a direct and proximate result of the injuries, plaintiff Debra Gerrard has been unable to perform the duties of a wife in that she can no longer assist with housework, have sexual intercourse, participate in family, recreational, or social activities with Don Gerrard, or contribute to the household income. Due to the nature of the injuries sustained by plaintiff Debra Gerrard and the severe physical and psychological strains they cause her, Debra Gerrard is no longer able to provide plaintiff with love, companionship, affection, society, moral support, and solace. Because of these injuries, Debra Gerrard will be unable to perform these duties in the future. Plaintiff Don Gerrard is therefore deprived and will be permanently deprived of his spouse's consortium, all to plaintiff's damage, in a total amount to be established by proof at trial.

(If the item that this Attachment concerns is made under penalty of perjury, all statements in this Attachment are made under penalty of perjury.)

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(Add pages as required)